

City Council Introduction: **Monday**, January 8, 2001
Public Hearing: **Monday**, January 22, 2001, at **1:30 p.m.**

Bill No. 01-01

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3295**, from R-6 Residential to B-1 Local Business, requested by Brian D. Carstens and Associates on behalf of Valentino's, on property generally located at North 35th and Holdrege Streets.

STAFF RECOMMENDATION: Approval of the change of zone for the east 14 feet of Lot 3.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 12/13/00
Administrative Action: 12/13/00

RECOMMENDATION: Approval of the change of zone for the east 14' of Lot 3 (9-0: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Krieser, Steward and Bayer voting 'yes').

FINDINGS OF FACT:

1. The Planning staff recommendation to approve the change of zone for only the east 14' of Lot 3, Block 1, Idyle-Wild Place, is based upon the "Analysis" as set forth on p.2-3, concluding that the change of zone should be approved for the east 14' of Lot 3 to accommodate the existing conditions and that the special permit for the parking remain on the balance of the lot. Special Permit No. 1792 will need to be amended to reflect this change.
2. The applicant's testimony is found on p.4. The applicant agreed with the staff recommendation.
3. There was no testimony in opposition.
4. The Planning Commission agreed with the staff recommendation to approve the change of zone to B-1 for the east 14' of Lot 3, Block 1, Idyle-Wild Place.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: January 2, 2001

REVIEWED BY: _____

DATE: January 2, 2001

REFERENCE NUMBER: FS\CC\FSCZ3295

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.#: Change of Zone #3295

DATE: November 29, 2000

PROPOSAL: Brian Carstens, on behalf of Valentino's, has requested a Change of Zone from R-6 to B-1 on property generally located at N. 35th and Holdrege Street.

GENERAL INFORMATION:

APPLICANT: Brian Carstens
Carstens & Associates
2935 Pine Lake Rd Suite H
Lincoln, NE 68516
402-434-2424

LOCATION: 35th and Holdrege Street, southwest corner.

LEGAL DESCRIPTION: Lot 3, Block 1, Idyle-Wild Place, located in the Northeast Quarter of Section 19, Township 10 North, Range 7 East, Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: R-6, Residential

PURPOSE: To reflect the existing building and allow for construction of a walk-in cooler.

SIZE: 6,553 square feet, more or less

EXISTING LAND USE: Parking lot and restaurant.

SURROUNDING LAND USE AND ZONING: Zoned P, Public with the University of Nebraska-Lincoln, east campus to the north; B-1, R-6 and R-2 to the east, with Valentino's restaurant, a parking lot and single family and two-family residential to the east; R-5 residential with multifamily residential to the south; and R-5 and R-6 residential with multifamily residential to the west.

COMPREHENSIVE PLAN SPECIFICATIONS: Shown as residential in the 1994 Lincoln-Lancaster County Comprehensive Plan. The request for business is not in conformance with the plan.

HISTORY: Changed from "D" to R-6, and "G" to B-1 on the restaurant, in the 1979 zoning update. Several special permits for parking in the Valentino's complex have been issued, #193 in 1960, #400 in 1967, #747 in 1975 and # 1792 on this lot and the one to the west in 1999.

ANALYSIS:

1. This is currently under a Special Permit for a parking lot. The parking lots are in place today. The conditions of that permit have not been completed to date.

2. The request for commercial zoning is not in conformance with the plan.
3. The existing waiting room and entrance was constructed in 1971 and extends 13.14' onto this residential lot. This was an error in the issuance of the building permit at that time.
4. The applicant wishes to construct a walk-in cooler that would extend 4.14' into the residential lot.
5. Approval of this entire lot would support the "creep" of commercial zoning at this location. The B-1 zoning is not a use permit district and thus anything permitted could be built and conditions may not be applied.
6. The applicant has noted in their letter that they would consider re zoning only the eastern 14' of Lot 3. This would allow the freezer to be built and would reflect the existing entrance/waiting room that was built in error.
7. **Conclusion:** Staff recommends that the zoning be approved for the east 14' of Lot 3 to accommodate the existing conditions and that the special permit for the parking remain on the balance of the lot. Special permit #1792 will need to be amended to reflect this change.

STAFF RECOMMENDATION:

Partial approval

The east 14' of Lot 3 be changed from R-6 to B-1.

Prepared by

Mike DeKalb, AICP
Planner

CHANGE OF ZONE NO. 3295

PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 13, 2000

Members present: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Krieser, Steward and Bayer.

Planning staff recommendation: Approval of only the east 14 feet of Lot 3.

Proponents

1. **Brian Carstens** presented the application for the change of zone on Lot 3. Valentino's wanted a walk-in cooler in the building and part of the existing building is on residentially zoned property. The newer addition was done in 1971 and is on residentially zoned property. Carstens agreed with the staff recommendation to only rezone the east 14 feet of Lot 3 to make something that was done wrong right.

There was no testimony in opposition.

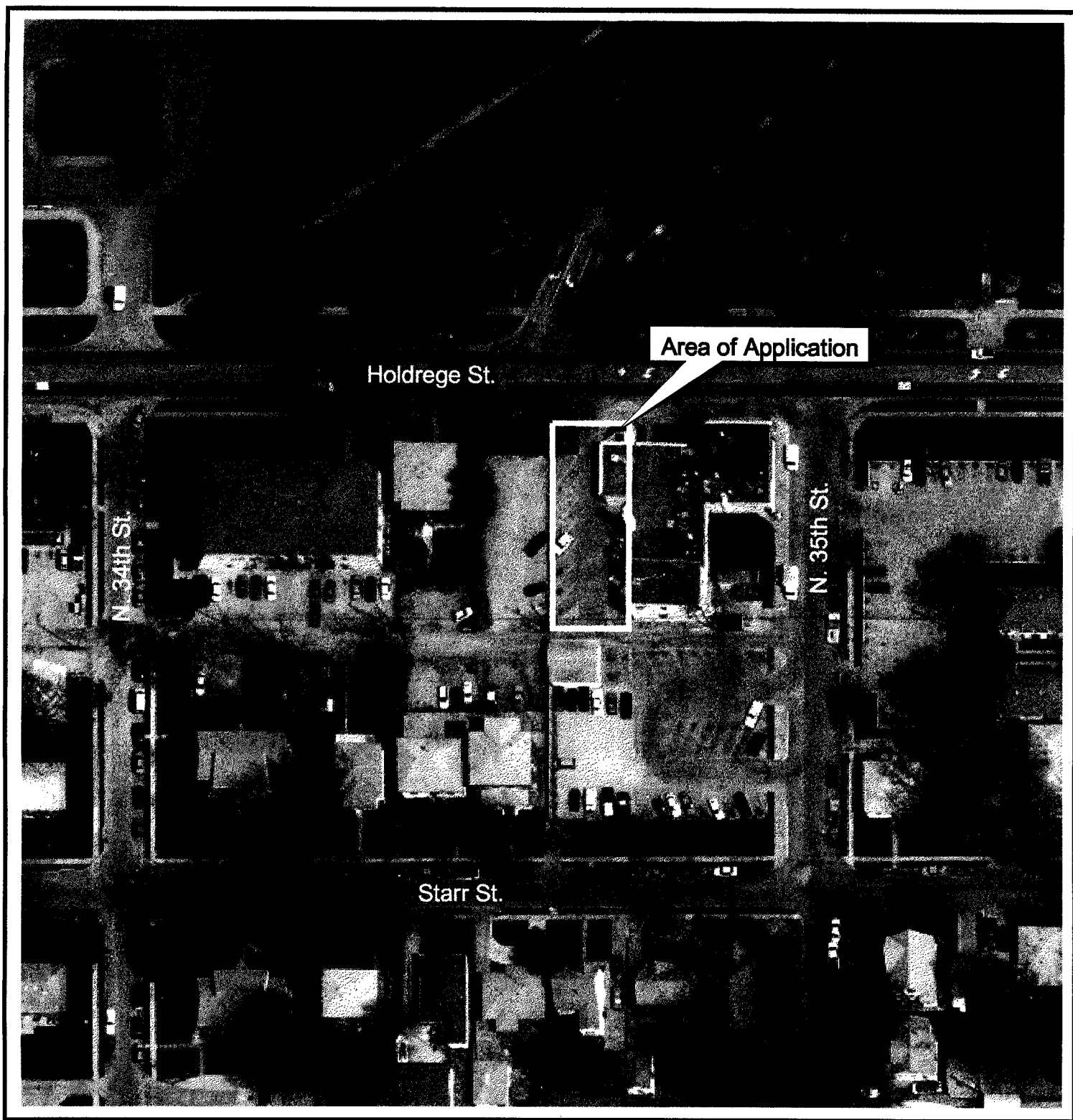
Hunter inquired what the zoning is on the parking lot area. Mike DeKalb of Planning staff explained that the lot in question and the lot to the west are both parking lots by special permit in a residential district which have previously been approved.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

December 13, 2000

Carlson moved to approve the Planning staff recommendation to rezone the east 14 feet of Lot 3 to B-1, seconded by Krieser and carried 9-0: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Krieser, Steward and Bayer voting 'yes'.



**Change of Zone #3295
N. 35th & Holdrege St.
Valentino's**

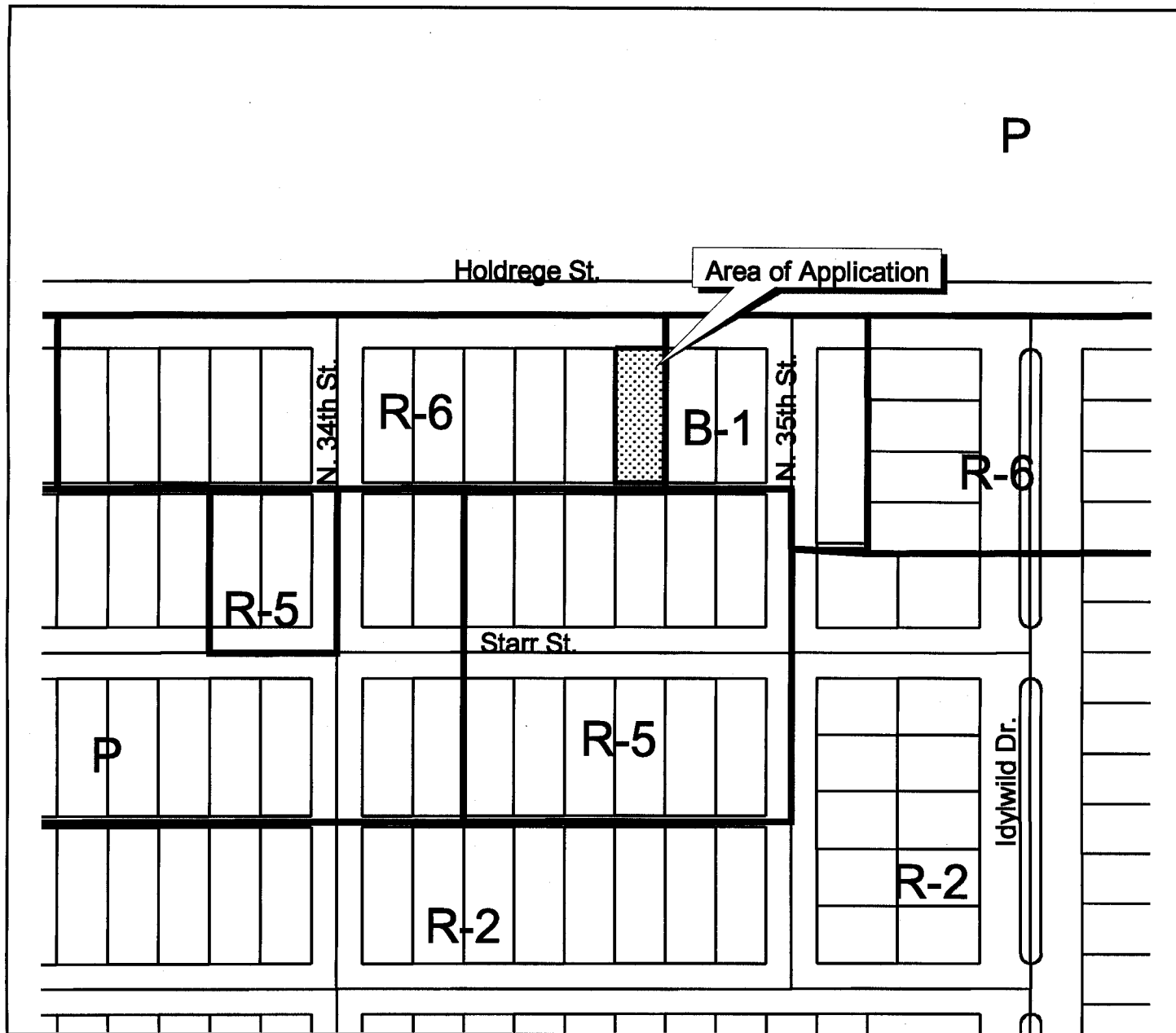


Sheet 1 of 3

Date: Nov. 29, 00

Photograph Date: 1997

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**Change of Zone #3295
N. 35th & Holdrege St.
Valentino's**

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

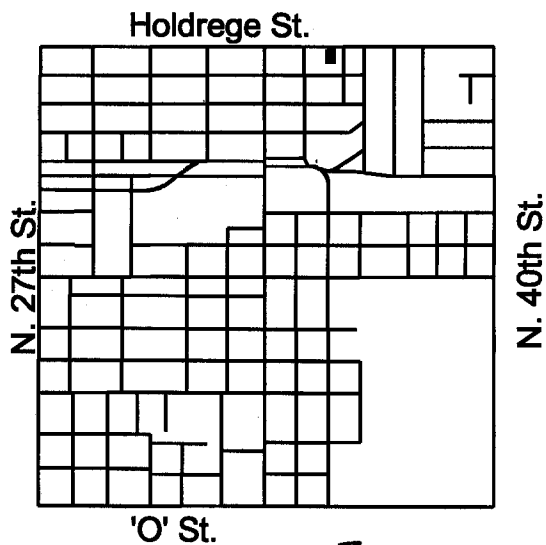
One Square Mile
Sec. 19 T10N R7E



Zoning Jurisdiction Lines



City Limit Jurisdiction



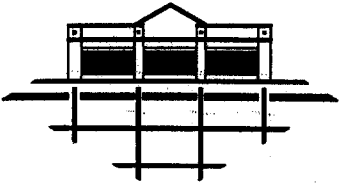
Sheet 2 of 3
Date: 11-29-00

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Lincoln City - Lancaster County Planning Dept.

FOR CHANGE OF ZONE

11-29-00



BRIAN D. CARSTENS AND ASSOCIATES
LAND PLANNING RESIDENTIAL & COMMERCIAL DESIGN
2935 Pine Lake Road, Suite H Lincoln, NE 68516 Phone: 402.434.2424

November 15, 2000

Ms. Kathleen A. Sellman, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: CHANGE OF ZONE FROM 'R-5' TO 'B-1'
VALENTINO'S - 3457 HOLDREGE STREET

Dear Kathleen,

On behalf of Valentino's, I submit the following Change of Zone for your review. Valentino's is desiring to change the zoning on Lot 3, Block 1, Idyle-Wild from the existing 'R-5' to 'B-1'. Valentino's had requested to apply for a building permit to allow for the addition of a walk-in cooler on the west side of the adjacent building. Please refer to attached site plan. Building and safety noted that this cooler would be located on residentially zoned property, therefore the building permit would be denied. However, we pointed out that an entry/ waiting room addition had been approved and built in 1971 with the western 13 feet built on the residentially zoned property. I have enclosed a copy of that building permit for your review. It appears that that building permit was issued in error some 29 years ago.

We would like to receive approval of this change of zone to allow for the walk-in cooler to be constructed, as well as taking care of the issue of the entry/ waiting area being built on residentially zoned land. Please note that the cooler will not extend more than 4 +/- feet into Lot 3. It will have no visual effect on the adjacent properties as a parking lot is located on the west and south (see Special Permit #1792), and the existing building will hide the cooler from Holdrege Street.

We would consider reducing the limits of the Change of Zone to the eastern 14 feet of Lot 3, which would only allow the existing entry/ waiting area and the proposed cooler to be built.

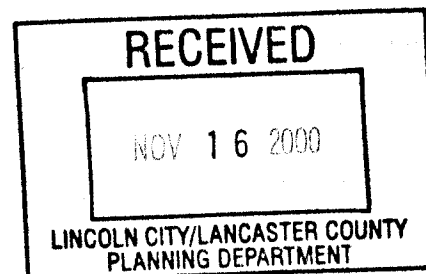
Please contact me if you have any further questions or comments.

Sincerely,

Brian D. Carstens

cc: Valentino's Corporate Offices

ENCLOSURES: Application for a Change of Zone
Application fee of \$195.00
Change of Zone Site Plan Exhibit



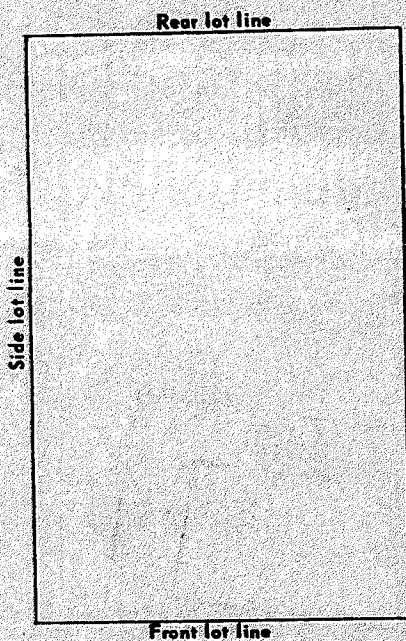
City Permit No. 101226 Street Address 3443
3457 HOLDREDGE ST.

APPLICATION FOR BUILDING PERMIT

FEE \$ 26.00 ck in lead Lincoln, Nebraska 1971

The undersigned hereby applies for a permit to
to wit: ☐ construct ☐ alter ☒ enlarge a building on the following described premises,

Lot 3 Block 1
Addition TO GLENWOOD PLACE



NEW BUILDING (Show location on lot at left)

Size _____
Height _____ No. of Units _____
No. of Stories _____
Intended Use _____

Plbg. & Htg. Cost \$
Elect. Wiring Cost \$
Gen. Contract Cost \$
TOTAL COST \$

Type of Const. _____

ALTERATION OR ADDITION Present Building:

Size 18x116 Height 10'
No. of Stories 2 No. of Units _____
Present Use RESTAURANT
Type of Const. BLOCK & FRAME

Plbg. & Htg. Cost \$ <u>900.00</u>
Elect. Wiring Cost \$ <u>600.00</u>
Gen. Contract Cost \$ <u>7,500.00</u>
TOTAL COST \$ <u>9,000.00</u>

New Addition:
Size 18x32 Height 14' No. of Stories 1 No. of Units 1
Intended Use ENTRANCE Type of Const. MASONRY

Owner VAL WIELER Architect or Engineer
Contractor or Builder George Barr

I hereby certify that the above statements are correct and that if a Building Permit is issued all work will be done in accordance with the Ordinances of the City of Lincoln.

Approved: 3-11-71 Date
Signed George Barr Applicant
By Milt Schmidt BUILDING INSPECTIONS DIVISION